

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,
VS.

DR. ROBERT CLARK et al.,
Defendants.

FILED
HARRISBURG
DEC 14 2000
MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERK

CIVIL No. 1-00-0040
U.S. DISTRICT
JUDGE RAMBO
MAGISTRATE JUDGE

PLAINTIFF'S SECOND MOTION FOR ENLARGEMENT OF
TIME, INTER ALIA MOTION FOR EXCEPTION TO THIS COURT'S ORDER OF
NOVEMBER 7, 2000

COMES NOW, the Plaintiff and Pro Se Counsel in the
above-entitled Civil Action, John Rich and Jaepa Layman United in the
Sciences of the Law & Legal Procedures within the United States
who now files his Plaintiff's Second Motion For Enlargement of Time, Inter Alia
Motion For An Exception To This Court's Order of November 7, 2000, herein,
avers, deposes & States:

1. On October 6, 2000, this Court issued the following order herein the
case:

"AND NOW, this 6th day of October, 2000, IT IS HEREBY
ORDERED that within fifteen days of the date of this order defendants
Dragovich, Palatch, Novotny, Taza and Andole shall file any relevant
evidence they wish concerning the issue of imminent danger and a
supplemental brief in support of their motion. Within fifteen days after
the filing of the brief and evidence by defendants
Dragovich, Palatch, Novotny, Taza and Andole
the plaintiff shall file any relevant evidence
he wishes concerning the issue of imminent
danger and a brief in opposition to the motion to
revoke his in forma pauperis status." //

2:00:00, order

5. Plaintiff furthermore avers & submits that for this Court to deny this here Motion would have the effect of prohibiting this Plaintiff from responding to Corrections Defendants' untrue & factually frivolous Supplemental Brief In Support of Motion To Revoke Plaintiff's Status And To Defer Filing of Responsive Pleading. Plaintiff's Amended Complaint and their Appendix, thereby, it is denying this Plaintiff his U.S. ^{Constitutional} 1st Amendment Right of access to the courts & to due process & equal protection under the law and enable this court to consider an ex parte motion which it has no legal authority to do & would constitute an abuse of discretion.

6. This short final 18 day enlargement of time will not prejudice the defendants nor unduly delay the proceedings, herein this

(W) HEREOF, Plaintiff John Richard Jae, says that the above & foregoing, this Court will grant this Motion in full, herein & grant him a short final enlargement of time of just 18 days including January 2, 2001, in which to file his Brief In Opposition relevant evidence, herein this case.

CERTIFICATE OF SERVICE

I, Plaintiff John Richard Jae hereby certify under penalty of perjury that on day of December, 2000, I served a true & correct copy of this here Motion upon the parties listed below by U.S. 1st Class Mail, Postage Pre-paid & addressed to =

MR. James D. Young Esquire
LAWYER, FATHER, YOUNG & HARRISON, P.C.
ATTORNEYS AT LAW
P.O. Box 1215
Harrisburg, PA 17108-1215
MR. Robert M. Wolff Assistant Counsel
Pa. Dept. of Corrections
Office of the Chief Counsel
550 W. Erie Drive
Camp Hill, Pa. 17011

Dated & executed on =

RESPECTFULLY SUBMITTED
① — John Richard Jae
MR. JOHN RICHARD JAE
Plaintiff and his Counsel
MR. John Richard Jae,
#PA-3819
SC- Greene/egv

2. Corrections Defendants filed their Supplemental Brief and evidence, herein, on or about October 23, 2000.

3. On or about November 1, 2000, Plaintiff Daef filed a Motion For Enlargement of Time, to file his Relevant evidence & Brief In Opposition, herein this case, which this Court granted on November 7, 2000, but stated "no further extension will be granted."

4. That, due to the facts that on November 3, 2000, Plaintiff sent his Complaint, Amended Complaint and his Brief of Corrections Defendants' Supplemental Brief In Support of Motion To Revoke Plaintiff's In Forma Pauperis Status And To Defeat Responsive Pleading to Plaintiff's Amended Complaint, their Appendix and Supplemental Appendix, herein, to Mr. R. Love, Esquire, Executive Director, Pennsylvania Institute for Law Project for his review & consideration to represent herein this case, pursuant to his instructions in a conversation of October 31, 2000, along with my November 1 letter to him and advising him therein that I needed documents returned to me by no later than November 3, 2000, & that despite such & another letter sent to Attorney Love on November 3, 2000, requesting therein the immediate return of my legal documents, I sent him on November 3, 2000, Attorney Love still, as of date, not returned these documents back to me here & as a direct result, this Plaintiff cannot finish preparing his Relevant evidence & Brief and this is not of his own, this Plaintiff is unable to prepare his Brief In Opposition and Relevant evidence by the present date of December 15, 2000 and thus he requests a final short extension of 15 days to January 2, 2001, in which to file & serve his Brief In Opposition, herein this case, & that this Court grant him an exception to the 15 day rule.

From The Desk Of
MR. John Richard Doe,
#BQ-3219
SCI-Greene/SMU
175 Progress Drive
Waynesburg, PA 15370-0089
November 3, 2000

Re: MR. Angus R. Love, Esquire
Executive Director
Pennsylvania Institutional Law Project
440 Cherry Street
Suite 523
Philadelphia, PA 19107

Re: Doe vs. Clark, et al.
CIV No. 1:00-cv-001090

Dear Angus:

As we discussed during our
phone conversation of 10-31-00, enclosed
please find the Court's October 6, 2000 Order
& Corrections Defendants' Motion To Revoke
Plaintiff's In Forma Pauperis Status And To
Defer Filing Of Responsive Pleading To Plaintiff's
Amended Complaint, Brief And Supplemental Brief
In Support Of Motion To Revoke Plaintiff's In
Forma Pauperis Status And To Defer Filing Of Responsive
Pleading To Plaintiff's Amended Complaint, and
Appendix And Supplemental Appendix To Corrections
Defendants' Supplemental Brief In Support Of
Motion To Revoke Plaintiff's In Forma Pauperis Status And To
Defer Filing Of Responsive Pleading To Plaintiff's Amended
Complaint, Appendix To Corrections Defendants' Brief
EXHIBIT A -

MR. Angus R. Love, Esquire
 November 3, 2000
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Opposition To Plaintiff's Motion For Temporary Restraining Order And/or An Expedited Preliminary Injunction and Plaintiff's Amended Complaint for your review to decide whether or not you will represent me in this case. Please make copies of these pleadings and return the ones enclosed herein back here to me by no later than November 24, 2000, as they are the only copies I have of such pleading.

Furthermore, read the Opinion of the Court in Corrections Defendants' Supplemental Appendix and you will see what I wasted you on the phone about the Court revoking my IFP status and stating it will recommend dismissal of that case if I do not pay within the entire \$150.00 Filing Fee upfront and all at once.

Furthermore, the SCT-Waymart SAU Team determination that I suffer from no organic impairment was made without waiting for the test results to come back from the EEG done on me there and without waiting for the MRI Test to be performed on me and thus such determination was erroneous and premature as no psychiatrist who is

MR. AUGUST LORE, Esquire
November 3, 2000
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... true professional would ever make such
determination without obtaining such test
results first, especially not when the
physicians are aware that the patient has pre-
viously been diagnosed with such an organic im-
pairment due to a head trauma injury in which
I had suffered minimal brain damage
and is the case with me here. See Ex-
hibit 4 & 8, of Appendix B Corrections Defendants
In Opposition To Plaintiff's Motion For Temp-
orary Restraining Order And/or An Expedited Prel-
iminary Injunction and Exhibit 6, of Appendix B
Defendants' Supplemental Brief In Support
In Opposition To Plaintiff's In Forma Pauperis Status
And For Deferral Of Responsive Pleading To Plaintiff's
Amended Complaint, for on this. Also, for
reasons as to why I am under imminent dan-
gerous physical injury, please review my
initial complaint and plaintiff's Affidavit In
Support Of Motion For Temporary Restraining Order
And Expedited Preliminary Injunction, both of which
you already have copies of in your file on

Also, on 11-02-00, my psychologist here
told me that on 11-01-00, the SCT-Greene Inc.
Psychiatric Review Committee met and discussed
my case & stated they agree I was unfairly dumped

MR. Angus R. Love, Esquire
November 3, 2000
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Furthermore, Angus, you have written me several times now & told me in writing that you are committed to keeping mentally ill persons out of the RHU and that when you were down to visit me back ~~in~~ May 23 of this year at SCI-Camp Hill, you promised & told me that if I was in fact placed in the SMU, that you would help and try to get me out of there, and when I agreed with you over the phone on 10-31-00 to try to resolve this informally thru you to with Fred Ball & Secretary Hann at the DOC to try to get me out of the SMU, if such did not work, then the way to show me that you mean what you say (that you are committed to keeping mentally ill persons out of the RHU SMU) would be for you to represent me in case or to have David Glassman do so.

Angus, do not get me wrong or misunderstand me, as I am not necessarily saying that you do so, but I have been lied to, humiliated by too many lawyers in the past to ever put faith in what a lawyer says and I believe the old saying, "I'm from Missouri, you gotta show me!" so you need to show me you are really

MR. ANGUS R. LOVE, Esquire
November 3, 2000
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are concerned about keeping mental persons out of the RHU and SMU.

Also, Angus, during our phone conversation of 10/31/00, you told me that there is no precedent that 28 U.S.C. § 1915(e)(2)(B) not permit a federal court to dismiss a CIVIL RIGHTS Action, solely because a Prisoner Plaintiff cannot afford to pay the entire \$150.00 filing fee upfront all at once, and if you decide you will "not" represent me in this case or at least David Glassman to do so, then I request that you would send me a couple of cases and sample arguments to show what I told me as to this is true, so that I can argue such to the court and also a couple of cases & arguments I could use to support my contention that I was under imminent danger of serious physical injury at the time of the incident(s) alleged in my initial complaint because I was at risk of committing suicide, which I can argue to the court.

Finally, Angus, in an article by Dr. Kupers, M.D., entitled "Beware of Easy Answers"

MR. Angus R. Lave, Esquire
November 3, 2000
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For the Mental Health Crisis Behind It
In the Fall 2000 issue of the FO
News, at pp. 8-10, Dr. Kupers states
"Similarly, punitive solitary confinement
which has become very much the
a growing proportion of this age of super
or maxi-maxi control units, is known
cause emotional distress. Psychiatrist
Grassman studied prisoners in solitary
confinement in supermaximum units
Security Housing Units (SHUs) and
the SHU Syndrome. Symptoms include
free-floating anxiety, hyper-response
and motor excitement, confusion, impaired
perceptual distortions, aggressive impulses
and depersonalization." (See above at
9-10). (and I am not wrapped up to
PTs) and in an article entitled "The New Bedlam"
Willie Wisely, in the June, 2000, Prison
News, pp. 1-3, at 2, psychologist Dr. A.
is quoted as saying, "After about 15
prisoners suffer irreversible mental he
damage from being in prison."

Please reply back to me and answer
this letter of mine in writing & thanks & to
cc = WRS
Sincerely,
Edm. R.

EXHIBIT - B -
FROM THE DESK OF -
MR. JOHN RICHARD JAG
#BX-3319
SET - G. N. H. J. M. U.
175 Progress Drive
Waynesburg, PA 15370-2009
December 3, 2000

To: MR. ANGUS R. LOVE, Esquire
Executive Director
Pennsylvania Institutional Law Project
924 Cherry Street
Philadelphia, PA 19107

Dear Angus:

Why are you trying to make me miss my court ordered filing deadline in the above-captioned civil case (which is December 15, 2000, for as I told you in my letter I wrote you of November 3, 2000, I needed the legal/court paper which I sent to you then back by no later than November 24, 2000, but I have received nothing back from you as of the above date, and here fore, I now write & send you this here letter to request that you immediately return all of my legal/court papers I sent to you back some this here ^{same} week & that you answer my letters, which I wrote you of November 3, 2000, this week also. & thanks. Take Care. Sincerely Yours,